

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5584 of 2024

Arising Out of PS. Case No.-2949 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

Prabhat Kumar Singh S/O Sri Brajbhushan Singh R/O Garhbanaili, Ghurdaur,
P.S- Garhbanaili, Dist.- Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. Shiv Shakti Industries (P) Ltd. Through Its Ajay Kumar Mishra, S/O Shri Ram Naresh Mishra R/O 302 Ab, Road No. 11 C, Patliputra Colony, P.S- Patliputra, Distt.- Patna-13.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo, Advocate

For the Opposite Party/s : Ms/Mrs. Rita Verma, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and the State.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 406 and 420 of the Indian Penal Code.

3. As per the prosecution case, petitioner being dealer of complainant's (Opposite party no.2) firm, purchased chicken feeds at different times amounting to Rs.3,62,252.75 on credit but did not return the dues in spite of several notices.

4. Learned counsel for the petitioner, while denying the allegation, submits that the petitioner always paid the price of the goods purchased by complainant's firm. Complainant has not produced any chit of paper in support of his allegation. Learned counsel further submits that the dispute is purely of



civil nature and it does not give rise to a criminal prosecution for cheating, unless fraudulent and dishonest intention is shown at the beginning of the transaction. Opposite party no.2 has got other remedy available in law. Petitioner claims clean antecedent.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Patna in Complaint Case No. 2949C/2016, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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